

CHARTER  
OF THE  
**Town of Leonardtown**

ST. MARY'S COUNTY, MARYLAND

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# LEONARDTOWN

## Preamble

We, the People of Leonardtown, the oldest incorporated Town of Maryland, the State's Mother County, grateful to God for our heritage of religious and political freedom, our legacy of a beautiful natural resource in Breton Bay and possessing a belief in fundamental principles of Democracy, do adopt, ordain and establish for our government this CHARTER OF LEONARDTOWN, ST. MARY'S COUNTY, MARYLAND.

## ARTICLE 1 Incorporation

### Section 101. Corporate name.

This charter is the municipal corporation charter of the town of Leonardtown, the corporate name of which is "The Commissioners of Leonardtown."

### Section 102. Definitions.

The terms "town," "city," "municipality," or "municipal corporation" in this charter shall be construed as synonymous.

### Section 103. Municipal status.

The municipal corporation here continued, under its corporate name, has all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common existence are legally abrogated. (See note (1) and note (3))

### Section 104. Description of corporate boundaries.

a. The Commissioners shall cause to be accurately established and bounded the taxable and corporate limits of the said town, and may extend the Southern or Harbor boundary to the center of the channel of Breton Bay, and a full description of same to be filed with the Clerk of the Circuit Court for St. Mary's County, to be recorded in one of the deed records of said County. (P.L.L., 1930, Art. 19, sec. 95; 1904, ch. 401, sec. 60; 1914, chs. 423 and 594, sec. 60.)

#### b. *1939 annexation*

Beginning for the same at the present northeast corner, thence running through the land of Kenneth B. Duke, North 33 deg. 32 min. West 1484 ft. to a stake now set up on the east side of the State road leading from Leonardtown to Hollywood, thence with the east side of the said State road North 19 deg. 46 min. East 305 ft. thence across the said road North 54 deg. 29 min. West 40

ft. to the northeast corner of J. I. Weiner's lot, thence with the same bearing and the north line of the said Weiner's land 424.3 feet. Thence with the same bearing 291.7 ft. to the northeast corner of T. Lee Mattingly's land, thence with the east line of the said Mattingly's land South 27 deg. West 2336 ft. to a stake now set up on the east line of the aforesaid Mattingly's land, thence running through the said T. Lee Mattingly's land North 56 deg. 47 min. West 878 ft. to the northeast corner of the Methodist cemetery lot, thence with the same bearing and the north line of the said cemetery 211 ft. to the northwest corner of the said cemetery, thence with the west line of the said cemetery South 33 deg. West 219 ft. to a stake now set up on the north side of the State road leading from Leonardtown to Mechanicsville, thence with the north side of the said road North 57 deg. West 450 ft. to a stake now set up on the north side of the said road, thence across the said road South 33 deg. West 50 ft. thence through Clarence E. Bright's land the same bearing 217 ft. thence with the same land South 55 deg. 52 min. East 1794.7 ft. to where it intersects the present west line of Leonardtown.

*c. 1945 annexation*

Beginning for the same at the northeast boundary of Leonardtown as surveyed in 1915, thence running North 19 degrees 45 minutes East 3510 feet to a boundary set in a field on the property of Jas. B. Russell, thence with a right-angle or North 70 degrees 15 minutes West 922 feet to a boundary set on the east side of the State road leading from Leonardtown to Hollywood, thence across the said road 40 feet, thence with same line North 70 degrees 15 minutes West 2810 feet to a boundary set on the property of J. Igns. Hayden, thence with a right angle or South 19 degrees 45 minutes West 4250 feet to a boundary set on the north side of the State road leading from Leonardtown towards Washington, D.C. the northwest boundary as surveyed in 1939, thence across the said road 50 feet, thence South 19 degrees 45 minutes West 4980 feet to a boundary set in a marsh on "Breton's Bay", thence in an easterly direction with said marsh and the shore of Breton's Bay to the southwest boundary of Leonardtown as surveyed in 1915.

*d. 1967 annexation*

All that lot, tract, piece or parcel of land, situate, lying and being in the Third Election District of St. Mary's County, Maryland and bordering on the Westerly boundary of the corporate limits of Leonardtown, which is particularly described as follows:

Beginning for the same at a concrete monument found on the northerly right of way line of Maryland Route 5, said beginning point being further located as being near the Southwesterly corner of the Edward Long property 1750 feet, more or less, from the intersection of Maryland Route 245 and Maryland Route 5, in Leonardtown, Maryland, and running from said beginning point so fixed and binding on the Northerly right of way line of said Maryland Route 5, and in a Northwesterly direction 3630 feet, more or less, to a point, said point being the intersection of said Northerly right of way of Maryland Route 5 and the Southeasterly right of way line of Maryland Route 243; thence leaving the Northerly line of Route 5 and crossing said right of way on the Southeasterly right of way line of said Maryland Route 243, and in a Southwesterly direction 990 feet, more or less, to the intersection of said right of way line and the McIntosh Run; thence leaving the Southeasterly right of way line of said Maryland Route 243 and running and binding with the meanderings of the waters' edge of McIntosh Run and in a general Southeasterly direction 9240

feet, more or less, to a concrete monument found at the Southwesterly boundary of the present Corporate Limits of Leonardtown in a Northerly direction to the place of beginning and containing 289 acres of land, more or less, as shown on the attached Plat of the proposed extension of the Corporate Limits of Leonardtown, Maryland, prepared by J. R. McCrone, Jr., Inc., Registered Professional Engineers and Surveyors.

*e. 1988 annexation*

(a) Beginning for the same at an iron rod set in the Northerly right-of-way line of Maryland Route #5, a variable width right-of-way as shown on Maryland State Highway Administration Plats numbered 39042 and 39043. The said beginning point being the Southwesterly corner of a tract or parcel of land now or formerly standing in the name of Sophie M. Gough, as recorded among the Land Records of St. Mary's County, Maryland in Liber CBG 13 at Folio 271. The said beginning point being further described as the most Southerly corner of the herein described. Thence leaving the point of beginning so fixed and running and binding on the said right-of-way line, the following twenty-one courses and distances, (1) North 72 degrees 44 minutes 12 seconds West 20.14 feet, (2) North 71 degrees 48 minutes 34 seconds West 39.14 feet, (3) North 74 degrees 42 minutes 48 seconds West 48.96 feet to the point of curvature of a curve to the right. Thence with the arc of said curve scribed as having a delta angle of 01 degrees 00 minutes 00 seconds, a radius of 2,803.79 feet, an arc length of 48.93 feet, and a long chord bearing and distance of, (4) North 71 degrees 22 minutes 24 seconds West 48.93 feet, (5) North 71 degrees 32 minutes 38 seconds West 48.95 feet, (6) North 70 degrees 32 minutes 35 seconds West 48.97 feet, (7) North 70 degrees 42 minutes 40 seconds West 49.03 feet, (8) North 47 degrees 14 minutes 40 seconds West 37.53 feet to the point of curvature of a curve to the right. Thence with the arc of the said curve scribed as having a delta angle of 00 degrees 48 minutes 00 seconds, a radius of 2,794.79 feet, and arc length of 39.02 feet and a long chord bearing and distance of, (9) North 66 degrees 45 minutes 11 seconds West 39.02 feet, (10) South 23 degrees 38 minutes 42 seconds West 13.00 feet, (11) North 66 degrees 57 minutes 36 seconds West 170.87 feet, (12) North 63 degrees 32 minutes 18 seconds West 49.15 feet, (13) North 63 degrees 42 minutes 09 seconds West 49.20 feet, (14) North 62 degrees 28 minutes 55 seconds West 29.97 feet, (15) North 61 degrees 05 minutes 15 seconds West 69.56 feet, (16) North 60 degrees 15 minutes 51 seconds West 72.03 feet, (17) North 29 degrees 42 minutes 28 seconds East 25.00 feet to the point of curvature of a curve to the left. Thence with the arc of the said curve scribed as having a delta angle of 00 degrees 04 minutes 48 seconds, a radius of 28,717.90 feet, an arc length of 40.09 feet, and a long chord bearing and distance of, (18) North 60 degrees 19 minutes 55 seconds West 40.09 feet, (19) South 29 degrees 37 minutes 26 seconds West 10.00 feet, (20) North 81 degrees 54 minutes 57 seconds West 40.92 feet to the point of curvature of a curve to the left. Thence with the arc of the said curve scribed as having a delta angle of 01 degrees 25 minutes 28 seconds, a radius of 28,692.90 feet, an arc length of 713.29 feet, and a long chord bearing and distance of (21) North 61 degrees 09 minutes 37 seconds West 713.27 feet to an iron rod set at the most Southerly corner of a tract or parcel of land now or formerly standing in the name of Mary E. Mattingly as recorded among the aforementioned Land Records in Liber DBK 204 at Folio 381. Thence running and binding on the division line between the said Mattingly land and the herein described the following three courses and distances, and running generally with a wire fence line, (22) North 18 degrees 09 minutes 11 seconds East 2,213.24 feet to a concrete monument found, (23) North 80 degrees 35 minutes 07 seconds West 155.05 feet to a concrete monument found,

(24) North 19 degrees 20 minutes 59 seconds East 417.15 feet to a concrete monument found in the Southerly outline of a tract or parcel of land now or formerly standing in the name of John Mattingly as recorded among the aforementioned Land Records in Liber 142 at Folio 366. Thence running and binding on the division line between the last mentioned Mattingly lands and the herein described, generally following and [an] old wire fence, the following twelve courses and distances, (25) North 79 degrees 30 minutes 06 seconds East 241.50 feet, (26) South 84 degrees 49 minutes 54 seconds East 198.60 feet, (27) South 74 degrees 23 minutes 54 seconds East 239.60 feet, (28) South 73 degrees 05 minutes 54 seconds East 138.40 feet, (29) South 74 degrees 56 minutes 54 seconds East 224.40 feet, (30) South 57 degrees 40 minutes 54 seconds East 166.50 feet, (31) South 63 degrees 05 minutes 54 seconds East 182.70 feet, (32) South 70 degrees 22 minutes 54 seconds East 149.70 feet to an iron rod set, (33) North 50 degrees 58 minutes 53 seconds East 205.14 feet, (34) North 55 degrees 58 minutes 29 seconds East 233.85 feet, (35) North 39 degrees 39 minutes 22 seconds East 229.72 feet, (36) North 30 degrees 29 minutes 42 seconds East 287.52 feet to an iron rod set in the Southerly outline of a tract or parcel of land now or formerly standing in the name of John L. Alvey et.al. as recorded among the aforementioned Land Records in Liber 107 at Folio 239. Thence running and binding on the division line between the said Alvey lands and the herein described and generally with an old wire fence the following two courses and distances, (37) South 63 degrees 47 minutes 57 seconds East 303.20 feet, (38) South 61 degrees 57 minutes 47 seconds East 323.71 feet to a point at the intersection of the said division line with the existing Corporate Limits of the town of Leonardtown. Thence running through the lands of the grantors herein and running and binding on the said corporate limits line, (39) South 18 degrees 56 minutes 28 seconds West 3,752.62 feet to a point in the Northerly right-of-way line of Maryland Route #5, as aforesaid. Thence running and binding on the said right-of-way line, the following fifteen courses and distances, (40) North 59 degrees 44 minutes 15 seconds West 37.99 feet, (41) North 60 degrees 44 minutes 21 seconds West 50.72 feet, (42) North 61 degrees 44 minutes 26 seconds West 50.75 feet, (43) North 63 degrees 52 minutes 12 seconds West 50.75 feet, (44) North 63 degrees 35 minutes West 50.81 feet, (45) North 64 degrees 44 minutes 40 seconds West 50.84 feet, (46) North 66 degrees 52 minutes 19 seconds West 50.84 feet, (47) North 66 degrees 44 minutes 49 seconds West 50.89 feet, (48) North 67 degrees 44 minutes 54 seconds West 50.93 feet, (49) North 68 degrees 45 minutes 00 seconds West 50.96 feet, (50) North 70 degrees 52 minutes 28 seconds West 50.96 feet, (51) North 70 degrees 45 minutes 08 seconds West 51.02 feet, (52) North 72 degrees 55 minutes 30 seconds West 52.60 feet, (53) North 71 degrees 48 minutes 19 seconds West 63.11 feet, (54) North 72 degrees 44 minutes 14 seconds West 21.80 feet to the point and place of beginning and containing 172.32 acres of land, more or less, as described August 18, 1988 by McCrone Inc.

Being part of that land conveyed unto George E. Clarke by deed dated June 29, 1956, from L. Roger Richardson and Vera C. Richardson, his wife, as recorded among the Land Records of St. Mary's County, Maryland in Liber CBG 63 at Folio 481; part of that land conveyed unto Edward Long and Agnes Long, his wife, by deed dated October 27, 1960, from John Roland Bennett and Agnes L. Bennett, his wife, as recorded among the aforementioned Land Records in Liber CBG 91 at Folio 290; part of that land conveyed unto Massey Connelly mentioned Land Records in Liber DBK 189 at Folio 10; (See note (1)) part of that land conveyed unto Joseph Marion Gough and Sophie M. Gough, widow, as recorded among the aforementioned Land Records in Liber CBG 59 at Folio 119 and part of that land conveyed unto J. Marion Gough and Sophie Gough, his wife, by deed dated February 19, 1942 from S. Paul Hayden, widower, as

recorded among the aforementioned Land Records in Liber CBG 13 at Folio 271. Being subject to Title Search.

(b) Beginning for the same at a point in the Northwesternly right-of-way line of Maryland State Route #243 a variable width right-of-way as shown on S.R.C. plats #34697 and #34029. Said beginning point being further described as being the most Easterly corner of a parcel of land now or formerly standing in the name of George Klear as recorded among the Land Records of St. Mary's County Maryland in Liber EBA 18 at Folio 38. Said beginning point being even further described as being the most Southerly corner of the herein described. Thence leaving the beginning point so fixed and running and binding on the said Klear outline, (1) North 76 degrees 14 minutes 37 seconds West 313.92 feet to a point in the Southerly outline of a tract or parcel of land now or formerly standing in the name of Mark W. Mattingly as recorded among the aforementioned Land Records in Liber DBK 171 at Folio 158. Thence running and binding on the said Clarke outline the following fifteen courses and distances, (2) North 11 degrees 46 minutes 28 seconds East 94.38 feet, (3) North 26 degrees 30 minutes 28 seconds West 210.32 feet, (4) South 83 degrees 09 minutes 55 seconds West 76.89 feet, (5) North 33 degrees 26 minutes 33 seconds West 46.23 feet, (6) North 87 degrees 0 minutes 0 seconds West 49.60 feet, (7) North 40 degrees 23 minutes 56 seconds West 246.10 feet, (8) North 21 degrees 06 minutes 09 seconds East 98.66 feet, (9) North 63 degrees 33 minutes 46 seconds West 136.34 [feet], (10) North 34 degrees 46 minutes 21 seconds West 77.38 feet, (11) North 03 degrees 46 minutes 31 seconds East 59.08 feet, (12) North 73 degrees 51 minutes 18 seconds West 54.77 feet, (13) North 47 degrees 40 minutes 49 seconds West 167.84 feet, (14) North 28 degrees 22 minutes 18 seconds East 41.56 feet, (15) North 19 degrees 59 minutes 57 seconds West 48.54 feet, (16) North 22 degrees 36 minutes 08 seconds East 64.02 feet. Thence leaving the said Mattingly outline and running through the land of the grantor herein and with a new line of division, (17) North 49 degrees 22 minutes 20 seconds East 860.40 feet to a point in the Southwesterly right-of-way line of Maryland State Route #5 a variable width right-of-way as shown on S.R.C. #34027 and #34028 and #34029. Thence running and binding on said right-of-way line of Route #5 the following five courses and distances (18) South 42 degrees 23 minutes 52 seconds East 160.42 feet, (19) South 40 degrees 37 minutes 40 seconds East 493.53 feet, (20) South 41 degrees 30 minutes 10 seconds East 110.00 feet, (21) South 42 degrees 01 minutes 22 seconds East 110.00 feet, (22) South 05 degrees 37 minutes 13 seconds East 141.52 feet to the aforementioned Northwesternly right-of-way line of Maryland Route #243. Thence running and binding on the said right-of-way line the following ten courses and distances, (23) South 29 degrees 15 minutes 18 seconds West 61.08 feet, (24) South 32 degrees 47 minutes 13 seconds West 63.34 feet, (25) South 27 degrees 37 minutes 0 seconds West 47.76 feet, (26) South 20 degrees 36 minutes 01 seconds West 57.41 feet, (27) South 18 degrees 36 minutes 14 seconds West 52.24 feet, (28) South 11 degrees 06 minutes 55 seconds West 155.77 feet, (29) South 08 degrees 40 minutes 32 seconds West 197.50 feet, (30) South 14 degrees 42 minutes 50 seconds West 48.19 feet, (31) South 14 degrees 23 minutes 41 seconds West 46.90 feet, (32) South 20 degrees 15 minutes 11 seconds West 201.69 feet to the point and place of beginning containing a total of 27.126 acres of land more or less.

Being a portion of a larger tract or parcel of land called and known by the name of "Cockburn Purchase", "Part of Crackburn", or "Cragstone Purchase", conveyed unto Gordon H. Ragan, from Mary Patricia Ragan by deed dated June 12, 1978 and recorded among the Land

Records of St. Mary's County, Maryland in Liber MRB 014 at Folio 498, Being subject to all rights-of-ways and easements of record and being further subject to Title Search.

*f. First 1989 Annexation.*

A DESCRIPTION OF A NEW AND ADDITIONAL CORPORATE LIMITS  
BOUNDARY LINE FOR THE TOWN OF LEONARDTOWN, THIRD ELECTION  
DISTRICT, ST. MARY'S COUNTY, MARYLAND.

Beginning for the same at a point where the S 19° 45' W 1,641.29 feet or the existing Easterly Corporate Boundary of Leonardtown Annexed by resolution of the Commissioners of Leonardtown on [on] August 1, 1967 intersects the Northerly Mean High Water Line of Breton Bay as shown on a Plat by J.R. McCrone, Jr., Inc. Dated July 24, 1981, entitled "PLAT OF THE CORPORATE LIMITS OF THE TOWN OF LEONARDTOWN, THIRD ELECTION DISTRICT, ST. MARY'S COUNTY, MARYLAND". Said beginning point being further described as being the same intended point shown on a Survey by George W. Joy, Jr. dated March 6, 1945 said beginning point being even further described as being the most South Westerly corner of the here in [herein] described.

Thence leaving the beginning point so fixed and running and binding on the aforesaid Corporate Boundary Line (1) N 19° 45' 00" E 8,628.12 feet to a point thence still with the Corporate Boundary as surveyed by George W. Joy and annexed by ordinance on April 30, 1945 (2) N 70° 15' 00" W 992 feet, more or less to a point in the Easterly Right of Way line of Maryland State Route #245, a 60' wide State Right of Way as shown on S.R.C. Plat 6413 thence running and binding on the said Right of Way line with the arc of a curve to the left described as having a delta angle of 03° 01' 20" a radius of 5,699.58' (3) 170' more or less to a point of intersection with the division line between a tract of land now or formerly standing in the name of Paul B. Russell and a tract or parcel now or formerly standing in the name of Mattingly as recorded among the Land Records of St. Mary's County, Maryland in Libers 74 and 114 at Folios 63 and 361 respectively as shown on a Plat of Survey by James L. Dunlop and Associates Inc. dated January 20, 1972, thence running and binding on the said division line and the Northerly outline of a tract or parcel of land now or formerly standing in the name of James B. Russell, as recorded among the aforesaid Land Record in Liber CBG 101 at Folio 88, as shown on the said Dunlop Plat the following 3 (three) courses and distances (4) N 65° 23' 20" W 1,160.31 feet (5) N 68° 25' 39" W 609.83 feet (6) N 76° 45' 46" W 896.43 feet thence, (7) still with the said Russell outline until it intersects the Westerly outline of a tract or parcel of land now or formerly standing in the name of Lester A. Mattingly as recorded among the Land Records of St. Mary's County, Maryland in Liber DBK 180 at Folio 485, said outline believed to be the Center Line of Town Run, thence running and binding on the division line of the two mentioned tracts following the meanderings of said Run (8) in a Southerly direction 1,425 feet, more or less to a point. Said point marking the most South East corner of the said Russell tract and the most North East corner of a 112.935 acre tract or parcel of land now or formerly standing in the name of the Commissioners of St. Mary's County as recorded among the aforementioned Land Records in Liber MRB 213 at Folio 107 as shown on a Plat of Survey by C.R. Bob Moore Inc. Dated June 3, 1974 entitled "Thornley or Leonard Hall" thence running and binding on the Easterly outline of said tract and the meanderings of said Run, as shown on said Moore Survey and still with the said Mattingly outline the following 32 courses and

distances (9) S 51° 45' 01" E 81.31 feet (10) S 32° 33' 03" W 43.90 feet (11) S 09° 21' 28" W 84.12 feet (12) S 31° 11' 13" W 86.78 feet (13) S 55° 06' 10" W 21.08 feet (14) S 26° 37' 38" W 189.38 feet (15) S 49° 33' 48" W 67.82 feet (16) S 02° 50' 41" E 52.72 feet (17) S 24° 37' 51" E 115.01 feet (18) S 43° 30' 28" W 71.24 feet (19) S 10° 41' 45" W 128.02 feet (20) S 69° 17' 55" W 35.14 feet (21) S 01° 03' 06" E 161.64 feet (22) N 86° 36' 31" W 38.05 feet (23) S 50° 46' 31" W. 91.66 feet (24) S 18° 36' 44" W 74.36 feet (25) S 33° 03' 29" W 55.42 feet (26) S 46° 38' 37" E 93.85 feet (27) S 20° 26' 02" W 82.95 feet (28) S 45° 37' 41" E 18.23 feet (29) S 12° 30' 47" E 81.12 feet (30) S 45° 59' 51" W 72.83 feet (31) S 30° 59' 50" W 99.48 feet (32) S 19° 01' 47" W 31.97 feet (33) S 49° 44' 13" W 62.47 feet (34) S 17° 39' 28" W 218.69 feet (35) S 35° 04' 09" W 73.16 feet (36) S 72° 24' 51" W 71.64 feet (37) S 17° 56' 40" W 116.91 feet (38) S 76° 30' 24" E 26.26 feet (39) S 12° 47' 41" E 33.70 feet (40) S 41° 44' 12" W 60.91 feet to a point in intersection with the Northerly outline of S 68° 25' 50" E 214.50 feet course of tract or parcel of land now or formerly standing in the name of Robert E. Wentworth as recorded among the aforementioned Land Records in Liber 282 and 241 at Folios 164 and 78 respectively as shown on a Plat of Survey by J.R. McCrone, Jr. Inc. for Academy Development Co. Inc., said course shown on the C.R. Bob Moore Plat as N 76° 20' 45" W 191.54 feet, thence leaving the said Commissioners of St. Mary's tract and running and binding on the said Wentworth outline as shown on the said J.R. McCrone Plat the following 4 (four) courses and distances (41) S 68° 25' 50" E 22.96 feet (42) S 56° 40' 50" E 61.30 feet to a point on the East side of Town Run said point intersecting the division line between the said Mattingly tract and a tract or parcel of land now or formerly standing in the name of Victoria P. Mattingly as recorded among the Land Records of St. Mary's County, Maryland in Liber MRB 47 at Folio 60 said point also marking the most Easterly point of the said Wentworth tract. Thence running and binding on the said Victoria P. Mattingly outline the following 3 (three) courses and distances (43) S 81° 56' 50" W 104.10 feet (44) S 26° 26' 50" W 781.35 feet to a point. Said point marking a common corner of the Wentworth tract, the Mattingly tract and a tract or parcel of land now or formerly standing in the name of Academy Development Co. Inc. as recorded among the aforementioned land records in Liber MRB 47 at Folio 52, thence leaving the said Wentworth tract and running and binding on the said Academy Development Co. Inc. outline (45) S 79° 12' 20" E 882.03 feet to a point, said point marking a common corner of the said Academy Development Co. Inc. tract and a tract or parcel of land now or formerly standing in the name of Ralph Abell as recorded among the aforementioned land records in Liber JMM 10 at Folio 252, thence leaving the said Mattingly tract and running and binding on the Westerly outline of the said Abell tract (46) S 19° 57' 40" W 2047.54 feet to a point, said point marking a common corner of the Academy Development Co. Inc., Ralph Abell (See note (1)) and a tract or parcel of land now or formerly standing in the name of Dr. Michael Barbarich and Lloyd Gobel as recorded among the Land Records of St. Mary's County, Maryland in Libers CBG 96 and DBK 174 at Folios 213 and 181 respectively, thence running and binding on the division line between the said Abell and Gobel tracts (47) Due East 120 feet, more or less to a point in the Westerly Right of Way line of Cedar Lane Road, a 40 foot wide County Right of Way, (48) thence running and binding on the said Right of Way in a due South direction 820 feet, more or less to the point of intersection with the Northerly Right of Way line of Maryland State Route #5, a 120 foot wide Right of Way, thence running and binding on the said Right of Way with the arc of a curve to the left described as having a delta angle of 13° 54' 40" a radius of 1552.41 feet an arc length of 125.01 feet (49) N 65° 38' 50" W 124.98 feet to the P.C. of the total curve shown as Station 27+79.65 on S.R.C. Plat #13270, thence still with the said Right of Way (50) N 67° 57' 15" W 1,377 feet more or less to the Center Line of Town Run, thence with the Center Line of Town Run thence crossing the said Maryland

State Route #5 and running with the meanderings of said Run as shown on a Plat by J.R. McCrone Jr. Inc. Dated April 1970 the following two courses and distances (51) S 17° 07' 25" W 1,747.80 feet (52) S 43° 20' 30" W 296.28 feet to the Mean High Water Line of Breton Bay, thence, running and binding on the said Mean High Water Line as shown on said Plat the following 3 (three) courses and distances (53) N 13° 35' 45" W 126.09 feet (54) N 40° 15' 50" W 368.25 feet (55) N 58° 36' 05" W 260 feet, more or less to the point and place of beginning containing 275 acres of land, more or less. (Res. No. 3-89, July 27, 1989.)

*g. Second 1989 Annexation*

(a) Beginning for the same at an iron pipe set on the north side of the 20 foot road leading from the County Road to the residence of the said Parties of the Second Part, said pipe bearing North 61 deg. East 91 feet from the northeast corner of said residence; thence with the north side of said 20 foot road South 66 deg. 30 min. East 124 feet to an iron pipe set on the north side of the said 20 foot road; thence South 24 deg. West 262 feet to an iron pipe set in a field thence North 66 deg. West 313.5 feet to an iron pipe set near the corner of a fence, thence North 26 deg. 30 min. East 302.8 feet to an iron pipe set in a wire fence line, thence South 65 deg. 30 min. East 168.3 feet to an iron pipe set in the corner of said fence, thence South 13 deg. West 42 feet to the point of beginning, containing Two and one one-hundredths (2 1/100) acres of land, more or less, according to a survey thereof made by George W. Joy, Jr. Registered Land Surveyor, on May 3, 1963.

(b) (*Legal Description, Lindsay Family Limited Partnership*) BEGINNING for the same at a point at the end of the center line of a 30' Right-of-way (r.o.w.) known as Greenbrier Road; said point also being in the center line of a gravel farm road; thence leaving said point and running along the end of said Greenbrier Road

S 67° 53' 12" W – 14.88 feet to a point; thence running with said end of said Greenbrier Road and a parcel owned by Alfred S. Mattingly, as recorded among the Land Records of St. Mary's County, Maryland in Liber M.R.B. 122 at Folio 410

S 82° 58' 13" W – 12.78 feet to a point; thence running with said Mattingly parcel

N 35° 41' 57" W – 28.46 feet to a point; thence running

N 71° 36' 52" W – 46.98 feet to a point; thence running

N 63° 44' 43" W – 105.94 feet to a point; thence running

N 66° 54' 38" W – 45.36 feet to a point; thence running

S 85° 22' 20" W – 42.54 feet to a point; thence running

S 29° 01' 26" W – 279.02 feet to an iron pipe found at a fence corner; said pipe being the northeast corner of a parcel owned by George E. Clark, Jr., as recorded among aforesaid Land



Records in Liber C.B.C. 063 at Folio 481; thence leaving said Mattingly Parcel and running with said Clark Parcel and said fence

N 62° 04' 34" W – 283.40 feet to a point; thence running

N 58° 07' 34" W – 249.60 feet to a point; thence running

N 60° 31' 34" W – 499.00 feet to a point at the corner of said fence; thence leaving said fence and running

N 60° 18' 25" W – 443.96 feet to a post found; said post being on the easterly boundary of a parcel owned by John F. Mattingly, as recorded among aforesaid Land Records in Liber M.R.F. 142 at Folio 366; thence leaving said Clark Parcel and running with said Mattingly Parcel

N 33° 16' 25" E – 248.69 feet to an 18" walnut tree; thence running

N 57° 19' 01" W – 525.70 feet to a point; thence running

N 46° 39' 05" W – 305.96 feet to a point at the end of a fence; thence running with said fence

N 51° 46' 35" W – 330.32 feet to a point; thence running

N 49° 01' 33" W – 270.73 feet to a point; thence running

N 44° 43' 51" W – 131.64 feet to a point; thence running

N 51° 00' 38" W – 220.59 feet to a 24" black gum tree in said fence line; thence running still with said fence line

N 32° 57' 02" W – 253.28 feet to a stone found in said fence line; thence running still with said fence line

N 55° 10' 51" W – 154.66 feet to a point; thence running

N 48° 27' 50" W – 388.75 feet to a point past the fence corner and in the centerline of McIntosh Run; thence leaving said Mattingly Parcel and running with said McIntosh Run and a parcel owned by Phillip H. Dorsey (no deed found)

N 27° 57' 50" E – 54.07 feet to a point; thence running

N 75° 46' 14" E – 132.68 feet to a point; thence running

S 83° 05' 44" E – 42.02 feet to a point; thence running

S 79° 39' 37" E – 29.02 feet to a point; thence running

S 83° 22' 32" E – 35.17 feet to a point; thence running  
N 34° 33' 51" E – 59.14 feet to a point; thence running  
N 17° 46' 10" E – 46.88 feet to a point; thence running  
N 28° 57' 02" E – 60.57 feet to a point; thence running  
N 01° 34' 55" E – 98.64 feet to a point; thence running  
S 70° 11' 13" W – 139.29 feet to a point; thence running  
S 81° 04' 26" W – 13.77 feet to a point; thence running  
N 15° 50' 49" W – 19.05 feet to a point; thence running  
N 25° 42' 44" E – 117.81 feet to a point; thence running  
N 56° 56' 01" E – 113.46 feet to a point; thence running  
N 88° 52' 41" E – 72.19 feet to a point; thence running  
N 59° 07' 48" E – 41.40 feet to a point; thence running  
N 27° 22' 27" W – 79.81 feet to a point; thence running  
N 36° 45' 13" E – 132.04 feet to a point; thence running  
N 63° 04' 39" E – 39.41 feet to a point; thence running  
N 59° 52' 19" E – 105.46 feet to a point; thence running  
N 88° 59' 19" E – 54.92 feet to a point; thence running  
N 00° 56' 15" E – 31.80 feet to a point; thence running  
N 32° 02' 19" W – 58.65 feet to a point; thence running  
N 05° 15' 48" E – 51.02 feet to a point; thence running  
N 00° 45' 05" E – 83.16 feet to a point; thence running  
N 13° 30' 18" E – 71.49 feet to a point; thence running  
N 05° 43' 36" E – 107.87 feet to a point; thence running

N 26° 19' 24" W – 70.69 feet to a point; thence running

N 12° 38' 02" W – 118.54 feet to a point; thence running

N 20° 55' 44" E – 104.65 feet to a point; thence running

N 80° 26' 23" E – 117.34 feet to a point; thence running

N 36° 46' 21" E – 140.91 feet to a point; thence running

N 14° 55' 18" W – 68.21 feet to a point; thence running

N 06° 50' 48" E – 182.80 feet to a point; thence running

N 54° 56' 09" E – 227.66 feet to a point; thence running

N 72° 46' 04" E – 65.24 feet to a point; thence running

N 39° 43' 18" E – 136.58 feet to a point; thence running

N 83° 51' 14" W – 52.39 feet to a point; thence running

N 32° 44' 29["] W – 71.78 feet to a point; thence running

N 58° 46' 0" E – 57.59 feet to a point; thence running

N 14° 05' 36" W – 157.49 feet to a point; thence running

N 54° 21' 06" E – 205.61 feet to a point; thence running

N 06° 59' 54" E – 59.39 feet to a point on the southerly boundary of a parcel owned by John M. Hodges, Jr., as recorded in aforesaid Land Records in Liber M.R.B. 094 at Folio 402; thence leaving said McIntosh Run and running with said Hodges Parcel

S 83° 45' 56" E – 91.66 feet to a point; thence running

S 18° 08' 37" W – 85.44 feet to a point; thence running

S 60° 24' 56" E – 188.68 feet to a point; thence running

N 42° 35' 15" E – 56.57 feet to a point; thence running

N 16° 26' 55" W – 41.23 feet to a point; thence running

N 53° 53' 51" E – 36.06 feet to a point; thence running

S 69° 47' 33["] E – 130.00 feet to a point; thence running

S 24° 12' 50" E – 53.85 feet to a point; thence running

N 56° 37' 25" E – 174.93 feet to a point; thence running

N 14° 41' 25" E – 136.01 feet to a point; thence running

N 73° 33' 05" E – 41.23 feet to a point; thence running

S 06° 29' 53" E – 70.18 feet to a point; thence running

N 87° 35' 14" E – 45.00 feet to a point; thence running

N 27° 50' 38" E – 97.95 feet to a point on the southwesterly boundary of a parcel owned by Debra A Hayden, et. al. as recorded in aforesaid Land Records in Liber D.B.K. 263 at Folio 180; thence leaving said Hodges Parcel and running with said Hayden Parcel

S 35° 48' 12" E – 43.83 feet to a 12" maple tree in a fence line; thence running still with said Hayden Parcel and said fence line

S 81° 24' 07" E – 20.86 feet to a 32" sycamore tree in said fence line; thence running with said fence line

S 45° 23' 18" E – 503.40 feet to a point; thence running

S 07° 44' 38" E – 33.12 feet to a point; thence running

S 26° 14' 05" E – 72.37 feet to a point; thence running

S 27° 19' 12" E – 109.83 feet to a point; thence running

S 19["] 24' 28" E – 105.33 feet to a point; thence running

S 38° 06' 22" E – 103.75 feet to a point; thence running

S 39° 14' 35" E – 103.40 feet to a point; thence running

S 21° 32' 29" E – 239.41 feet to a point; thence running

S 45° 42' 00" E – 19.07 feet to a point where said fence line intersects a stream; thence running still and with said fence line

S 22° 08' 51" E – 74.20 feet to a point; thence running

S 50° 59' 42" E – 78.02 feet to a point; thence running

S 41° 29' 27" E – 48.47 feet to a 24" maple tree in said fence line; thence running still with said fence line

S 39° 00' 52" E – 65.52 feet to a point; thence running

S 41° 47' 36" E – 110.24 feet to a point; thence running

N 74° 35' 28" E – 39.77 feet to a point; thence running

S 49° 04' 41" E – 45.15 feet to a point; thence running

S 33° 41' 21" E – 154.55 feet to a point; thence running

S 14° 38' 41" E – 49.69 feet to a point; thence running

S 37° 08' 16" E – 49.84 feet to a point where said fence line intersects said stream; thence running still with said fence line

S 51° 02' 21" E – 64.75 feet to a 30" stump in said fence line; thence running

S 59° 56' 59" E – 84.22 feet to a point where said fence line intersects said stream; thence running

S 48° 18' 25" E – 48.89 feet to a point; thence running

S 51° 37' 29" E – 69.21 feet to a point where said fence line intersects said stream; thence running still with said fence line

S 44° 51' 38" E – 32.54 feet to a point; thence running

S 76° 59' 29" E – 42.80 feet to a point; thence running

N 87° 40' 35" E – 59.05 feet to a point where said fence line intersects said stream; thence running still with said fence line

S 83° 47' 03" E – 41.65 feet to a point; thence running

S 77° 24' 18" E – 86.65 feet to a point; thence running

N 74° 59' 00" E – 72.04 feet to a 30" beech tree in said fence line; thence running

N 63° 19' 58" E – 66.35 feet to a stump in said fence line; thence running still with said fence line

N 72° 42' 59" E – 175.94 feet to a point; thence running

N 89° 51' 10" E – 48.27 feet to a point; thence running

S 62° 51' 19" E – 54.15 feet to a point; thence running

S 80° 32' 39" E – 48.08 feet to a point at the corner of said fence line; said point also being at the northwest corner of a parcel owned by Walter V. Hayden, as recorded among said Land Records in Liber M.R.B. 089 at Folio 144; thence leaving said Debra Hayden Parcel and running with said Walter Hayden Parcel and still with said fence line

S 11° 22' 47" W – 119.54 feet to an 18" oak tree in said fence line; thence running

S 14° 59' 19" W – 2395.75 feet to a point in the center line of a gravel farm road; thence running still with said Walter Hayden parcel and said farm road

S 13° 05' 09" W – 260.23 feet to a point; thence running

S 05° 00' 23" W – 63.56 feet to a point; thence running

S 08° 56' 48" E – 58.09 feet to a point; thence running

S 19° 23' 20" E – 28.59 feet to a point; thence running

S 26° 02' 58" E – 73.22 feet to a point; thence running

S 32° 22' 30" E – 45.86 feet to the point of beginning. Containing 244.749 acres, more or less, as surveyed by the D.H. Steffens Company.

Saving and excepting the two parcels of land as described in the Land Records namely Mary R. Fowler to James Leach Alvey and Mary Eva Alvey recorded in Liber C.B.G. 107, Folio 237 containing 2.1 acres of land, more or less, and the parcel from James Leach Alvey and Mary Eva Alvey, John Louis Alvey and Mary Jane Alvey and Leonard S. Alvey to Leonard Jackson Alvey and Lois Ann Alvey, recorded in Liber C.B.G. 77 at Folio 388 containing 0.904 acres of land more or less.

(c) *Description of Parcel "C" to Lindsay Partnership for new right of way from Frank Hayden Estate*

BEGINNING for the same at a point on the westerly right of way (r.o.w.) line of Maryland Route 245 as shown on Maryland State Road Commission Plat #6413, said point being the northeast corner of the 80 foot right of way (r.o.w.) as described in the deed from Walter V. Hayden to Walter V. Hayden and Janice W. Hayden said deed being recorded among the land records of St. Mary's County in Liber M.R.B. 089, Folio 144, thence leaving Maryland Route 245 and binding along said existing r.o.w. and running

N 56° 28' 48" W – 152.11 feet to a point, thence running

S 68° 57' 55" E – 150.10 feet to a point on the westerly side of Maryland Route 245, thence binding along the westerly r.o.w. line of Maryland Route 245 and running

S 23° 47' 21" W – 32.92 feet to the place of beginning. Containing 0.057 acres of land more or less as surveyed by the D. H. Steffens Company.

(d) *Parcel "E" Frank Hayden Estate to Lindsay for new right of way*

BEGINNING for the same at a point situated S 20° 56' 40" W – 62.21 feet from the northwest corner of Parcel 1 of the deed from Joseph I. Hayden to Frank A. Hayden, said deed being recorded among the land records of St. Mary's County in Liber D.B.K. 263, Folio 172, thence running

S 68° 57' 55" E – 280.82 feet to a point on the existing 80 foot right of way (r.o.w.) as described in the deed from Walter V. Hayden to Walter V. Hayden and Janice W. Hayden recorded in Liber M.R.B. 089, Folio 144, thence binding along the south side of said r.o.w. and running

S 56° 28' 48" E – 370.05 feet to a point thence leaving the existing r.o.w. and running

N 68° 57' 55" W – 641.99 feet to a point on the boundary between the Walter V. Hayden property and the Frank Hayden Estate property thence binding along said boundary and running

N 20° 56' 40" E – 80.00 feet to the place of beginning. Containing 0.847 acres of land more or less as surveyed by the D. H. Steffens Company.

(e) *Parcel "F" Existing right of way to be used by Lindsay Partnership*

BEGINNING for the same at a point on the westerly side of Maryland Route 245 as shown on Maryland State Road Commission Plat #6413, where said right of way (r.o.w.) is intersected by the north side of an existing 80 foot r.o.w. as described in the deed from Walter V. Hayden to Walter V. Hayden and Janice W. Hayden, said deed being recorded among the land records of St. Mary's County in Liber M.R.B. 089, Folio 144, thence binding along Maryland Route 245 r.o.w. and running

S 23° 47' 21" W – 47.17 feet to a point, thence leaving Maryland Route 245 and running

N 68° 57' 55" W – 155.00 feet to a point on the south side of the existing right of way (r.o.w.) previously referred to herein, thence binding along said r.o.w. and running

N 56° 28' 48" W – 370.05 feet to a point, thence running across said r.o.w.

S 68° 57' 55" E – 370.05 feet to a point on the north side of said existing r.o.w. thence binding along said existing r.o.w. and running

S 56° 28' 48" E – 152.11 feet to the place of beginning. Containing 0.563 acres of land more or less as surveyed by the D. H. Steffens Company.

(f) *Description of Parcel "G" Walter V. Hayden to Lindsay*

BEGINNING for the same at a point on the Eastern boundary line of the Walter V. Hayden property as described in the deed from Walter V. Hayden to Walter V. Hayden and Janice W. Hayden said deed being recorded among the land records of St. Mary's County, Maryland in Liber M.R.B. 089, Folio 144, said point being situated on said boundary line N 20° 56' 40" E – 347.80 feet from the southwest corner of Parcel 1, of the deed from Joseph I. Hayden to Frank A. Hayden, said deed being recorded in Liber D.B.K. 263, Folio 172, thence leaving said boundary and running along the south side of a new 80 foot right of way (r.o.w.)

N 68° 57' 55" W – 1493.89 feet to the eastern boundary of the Lindsay Family Limited Partnership property as described in the deed from John Louis Alvey and Mary Jane Alvey to the Lindsay Family Limited Partnership said deed being recorded in Liber 256, Folio 35, thence binding along said boundary and running

N 14° 59' 19" E – 80.45 feet to a point, thence leaving said Lindsay boundary and running along the north side of a new 80 foot r.o.w.

S 68° 57' 55" E – 1502.24 feet to a point on the previously mentioned boundary of Parcel 1 of the Frank A. Hayden property (D.B.K. 263–172) thence binding along said boundary and running

S 20° 56' 40" W – 80.00 feet to the place of beginning. Containing 2.751 acres of land more or less surveyed by the D. H. Steffens Company. (Res. No. 4–89, September 10, 1989.)

h. *1990 Annexation*

A DESCRIPTION OF 22.914 ACRES OF LAND, MORE OR LESS, "PART OF THE COCKSBURN PURCHASE", "PART OF CRAGSBONE PURCHASE", SITUATED AT THE SOUTHWESTERLY INTERSECTION OF MARYLAND ROUTES 5 AND 243 AT LEONARDTOWN, THIRD ELECTION DISTRICT, ST. MARY'S COUNTY, MARYLAND.

BEGINNING for the same at an iron pipe set in the Southwesterly right-of-way line of Maryland Route #5, as shown on Maryland State Roads Commission Plats numbered 34027, 34028, and 34029. Said beginning point being further located as being the Northeasterly corner of the herein described portion of a larger tract or parcel of land conveyed unto Gordon H. Ragan from Mary Patricia Ragan, by deed dated June 12, 1978, and recorded among the Land Records of St. Mary's County, Maryland, in Liber MRB 014 at Folio 498. Said beginning point being further described as being the most Easterly corner of a tract or parcel of land standing in the name of W. Clarke Mattingly as recorded among the aforesaid Land Records in Liber DBK 171 at Folio 185 and running from said beginning point so fixed and running and binding on the Southwesterly right-of-way line of said Route #5, the following 9 courses and distances, (1) S 38° 58' 39" E 106.42 feet. Thence (2) S 41° 58' 04" E 617.02 feet. Thence, (3) S 37° 50' 27" E 47.09 feet. Thence,



(4) S 41° 30' 10" E 252.00 feet. Thence, (5) S 37° 16' 57" E 95.25 feet. Thence, (6) S 42° 23' 52" E 119.64 feet. Thence, (7) S 49° 22' 20" W 860.40 feet. Thence, (8) N 22° 36' 08" E 26.57 feet. Thence, (9) N 00° 23' 20" E 53.03 feet. Thence, (10) N 59° 27' 19" W 37.76 feet. Thence, (11) N 37° 31' 06" W 57.08 feet. Thence, (12) N 20° 09' 31" E 130.26 feet. Thence, (13) N 06° 49' 00" W 77.68 feet, (14) N 49° 13' 01" W 62.22 feet. Thence, (15) N 70° 01' 09" W 43.02 feet. Thence, (16) N 48° 11' 27" W 200.46 feet. Thence, (17) S 22° 39' 38" W 53.00 feet. Thence, (18) N 80° 49' 57" W 177.25 feet. Thence, (19) N 55° 15' 51" W 134.05 feet. Thence, (20) N 32° 35' 16" E 47.87 feet. Thence, (21) N 03° 25' 38" E 46.50 feet. Thence, (22) N 52° 55' 03" W 55.49 feet. Thence, (23) N 32° 55' 01" W 38.64 feet to a point, (24) N 16° 13' 31" W 451.63 feet to an iron pipe set. Thence, (25) N 60° 28' 41" E 650.00 feet to the point and place of beginning containing 22.914 acres of land, more or less.

BEING a portion of a larger tract or parcel of land called and known by the name of "Cockburn Purchase", "Part of Crackburn", or "Cragstone Purchase", conveyed unto Gordon H. Ragan, from Mary Patricia Ragan by deed dated June 12, 1978 and recorded among the Land Records of St. Mary's County, Maryland, in Liber MRB 014 at Folio 498.

As per survey by McCrone, Inc., dated August 3, 1988. (Res. No. 2-90, April 26, 1990.)

i. *2013 Annexation*

BEING the same property described in a deed dated November 7, 1996 from William D. Boyd, II and James Carroll Boyd to Davis Office Park, LLC and recorded among the Land Records of St. Mary's County at Liber 1105, Folio 045.

BEGINNING at a point set on the westerly right of way line of Maryland State Route 245, said right of way being shown on M.S.H.A. Plat #6413, said point of land now or formerly owned by John Hayden is recorded in Liber 265, Folio 48, among the Land Records of St. Mary's [C]ounty, Maryland; thence leaving the lands of Hayden and running with the westerly right of way line of Maryland State Route 245,

(1) South 10 degrees 36 minutes 00 seconds West 252.32 feet to a point set at the northeasterly corner of that parcel of land now or formerly owned by Helen Hasel and recorded in Liber 263, Folio 174 among the aforesaid Land Records; thence leaving the right of way of Maryland State route 245 and running with the lands of Hasel,

(2) North 73 degrees 04 minutes 54 seconds West 778.33 feet to a point set on the Easterly lines of that property now or formerly owned by Walter Hayden as recorded in Liber 89, folio 144 among the aforesaid Land Records; thence leaving the lands of Hasel and running with the lands of Walter Hayden,

(3) North 17 degrees 15 minutes 31 seconds East 250.82 feet to a point set at the southwesterly corner of the aforesaid John Hayden property; thence running with the lands of John Hayden,

(4) South 73 degrees 04 minutes 54 seconds East 746.45 feet to the point of beginning, containing 4.39 acres of land, more or less. (Res. No. 4-13, September 26, 2013.)

## **ARTICLE 2**

### **The Council**

#### Section 201. Number of councilpersons; selection; term.

To the extent permitted by the Constitution and laws of Maryland the legislative powers of the town are vested in a council consisting of five councilpersons who shall be elected as hereinafter provided and who shall hold office for a term of two years, except that beginning with the elections in May, 2005, and May, 2006, councilpersons shall be elected for terms as provided in Section C-609. The regular term of councilpersons shall expire on the second Monday following the election of their successors. (Res. No. CA-04-04, 12-28-04.)

#### Section 202. Qualifications of councilperson.

Councilpersons shall be at least twenty-one years old, have resided in the town for at least one year immediately preceding their election and be qualified voters of the town. A councilperson must retain these qualifications during the term of office.

#### Section 203. Salary of councilpersons.

Each councilperson may receive an annual salary which shall be equal for all councilperson[s] and shall be a [as] specified from time to time by an ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any council takes office shall not be changed during the period for which that council was elected. The ordinance making any change in the salary paid to the several councilperson[s], either by way of increase or decrease, shall be finally ordained prior to the municipal election for members of the next succeeding council and shall take effect only as to the members of the next succeeding council.

#### Section 204. Meetings of council.

The council shall meet at 4:00 P.M. on the second Monday in May following each election for the purpose of organization, after which the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Town Administrator upon the request of the mayor or a majority of the members of the council. All meetings of the council shall be open to the public, except for such meetings as may be closed in accordance with the laws of the state of Maryland. Meetings of the council to which the Maryland Open Meetings Act does not apply may be closed for the same reasons and under the same procedures as apply to meetings covered by that act. The rules of the council shall provide that residents and owners of real estate and businesses in the town shall have a reasonable opportunity to be heard at any open meeting in regard to any municipal question, concern or matter. (Res. No. CA-04-03, 12-28-04.)

**Section 205. Council to be judge of qualifications of its members.**

The council shall be the judge of the qualification [qualifications] of its members. If anyone questions the continuing qualifications of a councilperson or the mayor, the matter shall be determined by vote of the council. By qualification is meant those requirements for office as set forth in Sections 202 and 302 of this charter.

**Section 206. President and vice-president of council.**

The mayor shall serve as president of the council. The mayor may take part in all discussion, but he or she shall have no vote. The council shall elect a vice-president of the council who, in the absence of the president of the council, shall preside.

**Section 207. Quorum.**

A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of at least three councilpersons.

**Section 208. Rules and order of business; journal.**

The council shall promulgate rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance. The journal shall be open to public inspection.

**Section 209. Passage of ordinances; publication; effective date.**

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected or its consideration deferred to some specified future date. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative votes of four members of the council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over his veto. A fair summary of the ordinance shall be published in a newspaper of general circulation in the municipality at least seven calendar days prior to its effective date. The intent of the publication requirement is to put the public on notice that an ordinance has been approved. It is not intended that the entire ordinance be published. It is the intent of this charter that publication costs be kept to a minimum. Therefore, fair summaries and a reduced size type is permissible. In lieu of publication the council can accept as a substitute a news article that has been published in a newspaper of general circulation in the town within the time prescribed above that presents a fair summary of the ordinance.

An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council.

Section 210. Veto.

All ordinances passed by the council shall within two days of passage be delivered by the Town Administrator to the mayor for approval or disapproval. If the mayor approves any ordinance, the mayor shall sign it. If the mayor disapproves any ordinance, the mayor shall not sign it. The mayor shall return all ordinances to the Town Administrator within seven days after delivery to the mayor (excluding the first day, including the last day, and excluding any Sunday) with the mayor's approval or disapproval. Any ordinance approved by the mayor shall be law. Any ordinance disapproved by the mayor shall be returned with a written message stating the reasons for its disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of four fifths of the whole council within forty calendar days from the date of the disapproval of the ordinance. If the mayor fails to return any ordinance within seven days of its delivery, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by him.

Section 211. Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance by the mayor or passage of any ordinance over the mayor's veto, a petition is filed with the Town Administrator containing the signatures of not less than twenty per centum (20%) of the then registered and qualified voters of the town and requesting that the ordinance, or any part thereof, be submitted to a vote of the registered and qualified voters of the town for their approval or disapproval, the council shall have the ordinance or the part thereof requested for referendum submitted to a vote of the qualified voters of the town at the next regular town election or, in the council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the registered and qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for no longer than sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, levying taxes, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Article 10 of this Charter. The provisions of this section shall be self-executing, but the council may adopt ordinances[,], resolutions or rules, as appropriate, in furtherance of these provisions and not in conflict with them.

Section 212. File of ordinances.

Ordinances shall be permanently filed by the secretary and shall be kept available for public inspection.

Section 213. Ordinances, resolutions, rules and regulations.

These words shall have their ordinary meaning. Where permitted the council shall promulgate such resolutions, rules, and regulations as are necessary to implement an ordinance. While there shall be no publication requirement, resolutions, rules and regulations shall be appropriately numbered and maintained in separate records. Resolutions, rules and regulations shall be binding from one council to the next and shall remain in effect until changed, amended, repealed or superceded by the council.

## **ARTICLE 3**

### **The Mayor**

Section 301. Selection and term.

The mayor shall be elected as hereinafter provided and shall hold office for a term of two years or until a successor is elected and qualified, except that beginning with the election in May, 2005, the mayor shall be elected for a term as provided in Section C-609. The newly elected mayor shall take office on the second Monday of May following the mayoral election. (Res. No. CA-04-04, 12-28-04.)

Section 302. Qualifications.

The mayor shall be at least twenty one years of age, have resided in the town for at least one year immediately preceding the mayoral election and must be a qualified voter of the town. The mayor must retain these qualifications during the term of office.

Section 303. Salary.

The mayor may receive an annual salary as set from time to time by an ordinance passed by the council in the regular course of business. No change shall be made in the salary for any mayor during the term for which the mayor was elected. The ordinance making any change in the salary paid to the mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding mayor and shall take effect only as to the next succeeding mayor.

Section 304. Powers and duties.

(a) The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the Chief Executive Officer and the head of the administrative branch of the Town government.

(b) The Mayor, with the approval of the Council, shall appoint the head of all offices, departments, and agencies of the Town government as established by this charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the Mayor. All subordinate officers and employees of the offices, departments, and agencies of the Town government shall be

appointed and removed by the Mayor, in accordance with rules and regulations in any merit system which may be adopted by the Council.

(c) The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the Town.

(d) The Mayor shall have complete supervision over the financial administration of the Town government. He shall prepare or have prepared annually a budget and submit it to the Council. He shall supervise the administration of the budget as adopted by the Council. He shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(e) All powers and duties listed in paragraphs (a), (b), (c), and (d), above, shall be executed by the Town Administrator – Article 4.

(f) The Mayor shall have the power to veto ordinances passed by the council as provided in section 210.

(g) The Mayor shall be recognized as the head of the Town government for all ceremonial purposes.

(h) The Mayor shall have such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Council, not inconsistent with this charter.

## **ARTICLE 4**

### **Town Administrator**

#### Section 401. Appointment.

The council shall appoint an officer of the town who shall have the title of Town Administrator and shall have the powers and perform the duties as provided in this charter. Neither the Mayor nor any member of the council shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

#### Section 402. Qualifications.

The Town Administrator shall be chosen on the basis of his/her executive ability and administrative qualifications with special reference being made to his actual experience in, or knowledge of, accepted practice in respect to the duties of his/her office, as hereinafter set forth. The Town Administrator need not be a resident of the town, but must be a resident of St. Mary's County, Maryland.

Section 403. Salary.

The Town Administrator shall receive such compensation as the Council shall determine from time to time.

Section 404. Removal.

The Council shall appoint the Town Administrator [to] an indefinite term and may remove him by majority vote of its members. At least thirty days before such removal shall become effective the Council shall, by a majority vote of its members, adopt a preliminary resolution stating the reason for his removal. The Administrator may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after filing of such a request. After such public hearing, if one be requested, and after full consideration, the Council, by majority vote of its members, may adopt a final resolution of removal. By the preliminary resolution the Council may suspend the Administrator from duty, but shall in any case cause to be paid him/her any unpaid balance of his/her salary and his/her salary for the next two calendar months following adoption of the preliminary resolution.

Section 405. Powers and duties of Town Administrator.

(a) The Town Administrator shall assume such powers and duties of the Mayor as enumerated in Paragraphs (a), (b), (c), and (d), of section 304.

(b) The Town Administrator shall attend all Council meetings and may take part in the discussion; but he/she shall have no vote.

(c) The Town Administrator shall perform such other duties as may be prescribed by this charter or required of him/her by the Council at the direction of the mayor, not inconsistent with this charter.

Section 406. Interference in Administration.

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the Town Administrator or by any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Town Administrator and neither the Council nor any member thereof shall give orders to any subordinates of the Town Administrator either publicly or privately.

## **ARTICLE 5**

### **Powers of the Town**

Section 501. Powers of council enumerated.

(1) *General powers.* – The council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem

necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors to the town.

(2) *Specific powers.* – The council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution and laws of this State, for the specific purposes provided in the remaining subsections of this section.

(3) *Advertising.* – To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town. Where practical, the most economical method of publication should be pursued.

(4) *Aisles and doors.* – To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(5) *Amusements.* – To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(6) *Appropriations.* – To appropriate municipal moneys for any purpose within the powers of the council.

(7) *Auctioneers.* – To regulate the sale of all kinds of property at auction within the town and to license auctioneers.

(8) *Band.* – To establish a municipal band, symphony orchestra or other municipal organization, and to regulate by resolution the conduct and policies thereof.

(9) *Billboards.* – To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the town, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the town.

(10) *Boards, commissions and committees.* – To appoint such boards, commissions and committees as may be necessary to the health, welfare and safety of the citizens. The authority and responsibility for each such group appointed shall be prescribed in the ordinance or resolution which creates it.

(11) *Bridges.* – To erect and maintain bridges.

(12) *Buildings.* – To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole



or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(13) *Cemeteries.* – To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(14) *Codification of ordinances.* – To provide for the codification of ordinances.

(15) *Community services.* – To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the town.

(16) *Cooperative activities.* – To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental function.

(17) *Curfew.* – To prohibit the youth of the town from being in the streets, lanes, alley [alleys], or public places at unreasonable hours of the day or night.

(18) *Dangerous improvements.* – To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(19) *Departments.* – To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional functions or duties to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office[,] department, or agency any function or duty assigned by this charter to a particular office, department, or agency.

(20) *Dogs.* – To regulate the keeping of dogs in the town and to provide, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs for which no license fee or taxes are paid.

(21) *Elevators.* – To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(22) *Explosives and combustibles.* – To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any similar things which may endanger persons or property.

(23) *Fees and charges.* – Subject to the limitations imposed by the provisions of Article 81 of the Annotated Code of Maryland, to establish and collect reasonable fees and charges (See note (4)). [:]

(a) For the franchises, licenses or permits authorized by law to be granted by a municipal corporation; or

(b) Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

(24) *Filth.* – To compel the occupant and owner of any premises, building, or outhouse situated in the town, if it has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners and occupants to authorize such work to be done by the proper officers and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

(25) *Finances.* – To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

(26) *Fire.* – To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulation are met; to install and maintain fireplugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(27) *Food.* – To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of any food products.

(28) *Franchises.* – To grant and regulate franchises to water companies, cable communication companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies and any others which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of the Annotated Code of Maryland; to grant one or more exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley or bridge, to impose franchise fees, and to establish rate [rates], rules, and regulations for franchises granted under this section. No franchise shall be granted for a longer period than fifty years.

(29) *Garbage.* – To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require slops, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(30) *Grants-in-aid.* – To accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

(31) *Hawkers.* – To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles in the town, and to revoke

such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(32) *Health.* – To protect and preserve the health of the town and its inhabitants; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the Secretary of Health and Mental Hygiene, the county board of health, or any public, general or local law relating to the subject of health.

(33) *House numbers.* – To regulate the numbering of houses and lots and to compel owners to renumber them, or in default thereof to authorize and require the work to be done by the town at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.

(34) *Jail.* – To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

(35) *Licenses.* – Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling or place of amusement business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

(36) *Liens.* – To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens upon the property, to be collected as municipal taxes are collected.

(37) *Lights.* – To provide for the lighting of the town.

(38) *Livestock.* – To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals; to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of the ordinance in such cases provided.

(39) *Markets.* – To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the town.

(40) *Minor privileges.* – To regulate or prevent the use of public ways, sidewalks, and public places for signs—awnings [signs, awnings], posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

(41) *Noise.* – To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns.

(42) *Nuisances.* – To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this charter, or by the laws of the State of Maryland. Whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries and renderies. This listing is by way of enumeration, not limitation.

(43) *Obstructions.* – To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the town.

(44) *Parking facilities.* – To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

(45) *Parking meters.* – To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof.

(46) *Parks and recreation.* – To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

(47) *Police force.* – To establish, operate, and maintain a police force.

(48) *Police powers.* – To enforce all laws of the town and state equally within the town limits; to enforce all laws relating to disorderly conduct and the suppression of nuisances equally within the limits of the town and beyond those limits for one half mile or for so much of this distance as does not conflict with the powers of another municipal corporation.

(49) *Property.* – To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town.

(50) *Quarantine.* – To establish quarantine regulations in the interest of the public health.

(51) *Regulations.* – To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

(52) *Sidewalks.* – To regulate the use of sidewalks and all structures in, on, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof from snow, weeds, trash, dirt or other obstructions; to prescribe hours for cleaning sidewalks.

(53) *Sweepings.* – To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or any public or private property in the town.

(54) *Taxicabs.* – To license, tax and regulate public hackmen, taxicabmen, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

(55) *Vehicles.* – To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(56) *Voting machines.* – To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

(57) *Zoning.* – To exercise the powers as to planning and zoning, conferred upon municipal corporations generally.

(58) *General authority.* – In addition to all the powers granted to the council by this charter or any other provision of law, the council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this charter or elsewhere shall not be deemed to limit the power and authority granted by this.

#### Section 502. Exercise of powers.

For the purpose of carrying out the powers granted in this charter, the council may pass all necessary ordinances. All the powers of the town shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

#### Section 503. Enforcement of ordinances.

To ensure the observance of the ordinances of the town, the council has the power to provide that violation thereof shall be a misdemeanor, unless otherwise declared to be a municipal infraction, and has the power to affix thereto penalties of a fine not exceeding \$1,000 or imprisonment not exceeding six months, or both such fine and imprisonment. Any person subject to any penalty has [has] the right of appeal within ten days to the circuit court of the county in which the penalty was imposed. The council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

## **ARTICLE 6**

### **Municipal Elections**

#### Section 601. Qualifications of voters.

The town shall maintain a register of all persons eligible to vote in the town elections. Those qualified to vote shall be entitled to vote in all town elections. All voters must be a citizen [citizens] of the United States and at least eighteen years of age. In addition, for a period of at least thirty days preceding the election, each voter must have lived within the town.

#### Section 602. Election Judge.

There shall be an Election Judge who shall be appointed by the mayor with the approval of the council on or before the first Monday in March in every second odd-numbered year. The term of the Election Judge shall begin on the first Monday in March in the year in which he/she is appointed and run for four years. The Election Judge shall be a qualified voter of the town and shall not hold or be a candidate for any elective office during their term of office. Vacancy shall be filled by the mayor with the approval of the council for the remainder of the unexpired term. Compensation, if any, shall be determined by the council.

#### Section 603. Removal of judge.

An Election Judge may be removed for good cause by the council, if in the judgment of the council the judge is not properly performing or will not properly perform the duties of the position. Before removal, the Election Judge shall be given a written copy of the charges and shall have a public hearing on them before the council if so requested within ten days after receiving the written copy of the charges.

#### Section 604. Duties.

The Election Judge shall be in charge of the registration of voters, nominations, and all town elections. The council may appoint election clerks or other employees to assist the judge in any of his/her duties.

#### Section 605. Notice of registration days and elections.

The Election Judge shall give at least two weeks' notice of every registration day and every election by an advertisement published in at least one newspaper of general circulation in the town and by posting a notice thereof in some public place or places in town.

#### Section 606. Registration.

Registration shall be permanent, and no person is entitled to vote in town elections unless he is registered. The Election Judge shall keep the registration lists up to date by striking from the lists persons known to have died or to be [have] moved out of the town or who are otherwise not qualified. The council, by ordinance, shall adopt and enforce any provisions necessary to establish

and maintain a system of permanent registration and provide for a reregistration when necessary. The judge shall prescribe procedures for registration of voters.

Section 607. Appeal from action of the Election Judge.

If any person is aggrieved by the action of the Election Judge in refusing to register or in striking off the name of any person, or by any other action he/she may appeal to the council. Any decision or action of the council upon such appeals may be appealed to the circuit court for the county within the time allowed for such appeals.

Section 608. Filing certificate of nomination.

Persons may be nominated for elective office in the town by filing a certificate of nomination at the town office on or before the third Monday in April next preceding the town election. No person shall file for nomination to more than one elective town public office or hold more than one elective town public office at any one time.

Section 609. Election of mayor and councilmembers.

On the first Tuesday in May, the mayor and councilmembers shall be elected as follows:

a. For the election in 2005, the voters shall elect a mayor to serve for a term of three years, and for the election in 2008 and every four years thereafter, the voters shall elect a mayor to serve for a term of four years.

b. For the election in 2005, the voters shall elect two councilmembers to serve for terms of three years, and for the election in 2008 and every four years thereafter, the voters shall elect two councilmembers to serve for terms of four years.

c. For the election in 2006, and every four years thereafter, the voters shall elect three councilmembers to serve for terms of four years. (Res. No. CA-04-04, 12-28-04.)

Section 610. Conduct of elections generally.

It is the duty of the Election Judge to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this charter, arranged in alphabetical order by office with no party designation of any kind. The Election Judge shall keep the polls open from noon to 7:00 PM on election days or for longer hours if the council requires it.

Section 611. Special elections.

All special town elections shall be conducted by the Election Judge of elections in the same manner as far as practicable, as regular town elections.

Section 612. Vote count.

a. Immediately after closing the polls, the Election Judge shall determine all the votes cast, including regular and absentee ballots, for each candidate or question and shall certify the results of the election to the secretary of the town who shall record the results in the minutes of the council.

b. The candidate for mayor with the highest number of votes in the general election shall be declared elected mayor. The candidates for the council with the greatest number of votes shall be declared elected as councilmembers.

c. In the event of a tie vote for any office, a special run-off election among those tied shall be held within fifteen days. The Election Judge shall give at least five days notice of the time and place of this special election.

Section 613. Preservation of ballots.

All ballots used in any town election shall be preserved for at least six months from the date of the election.

Section 614. Vacancies.

In case of a vacancy in the office of mayor or council for any reason, the council shall elect some qualified person to fill the vacancy for the unexpired term. Any vacancies on the council or in the office of mayor shall be filled by the favorable votes of a majority of the remaining members of the council. The results of any such vote shall be recorded in the minutes of the council.

Section 615. Regulation and control by council.

The council has the power to provide rule, resolution or ordinance in every respect not covered by the provisions of this charter for the conduct of registration, nomination, and town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

Section 616. Absentee ballots.

Any qualified voter registered to vote is entitled to vote in all town elections by absentee ballot. The Election Judge shall prescribe the procedures to so vote.

Section 617. Penalties.

Any person who (1) fails to perform any duty required of him under the provisions of this subheading or any ordinances passed thereunder, (2) in any manner willfully or corruptly violates any of the provisions of this subheading or any ordinances passed thereunder, or (3) wilfully or corruptly does anything which will tend to affect fraudulently any registration, nomination or town election, is guilty of a misdemeanor. Any officer or employee of the town government who is



convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

## **ARTICLE 7**

### **Finance**

#### Section 701. Treasurer.

There shall be a treasurer appointed by the mayor with the approval of the council. The treasurer shall serve at the pleasure of the mayor. The compensation of the treasurer shall be determined by the council. The treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this charter, shall be exercised by the treasurer under the direct supervision of the mayor. (Res. No. CA-04-01, 12-28-04.)

#### Section 702. Same – powers and duties.

Under the supervision of the mayor, the treasurer shall have authority and shall be required to:

- (1) Prepare at the direction of the mayor an annual budget to be submitted by the mayor to the council.
- (2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded, diverted, misapplied or expended other than as budgeted.
- (3) Maintain a general accounting system for the town in such form as the council may require, not contrary to State law.
- (4) Submit at the end of each fiscal year, and at such other times as the council may require, a complete financial report to the council through the mayor.
- (5) Ascertain that all taxable property within the town is assessed for taxation.
- (6) Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.
- (7) Have custody of all public monies belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.
- (8) Do such other things in relation to the fiscal or financial affairs of the town as the mayor or the council may require or as may be required elsewhere in this charter. (Res. No. CA-04-01, 12-28-04.)

Section 703. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in any year and shall end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year, and the accounting year.

Section 704. Budget.

The mayor, on such date as the council determines, but at least by May 20, of any fiscal year, shall submit a budget to the council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the clerk–treasurer, open to public inspection during normal business hours.

Section 705. Same—adoption.

Before adopting the budget the council shall hold a public hearing thereon after two weeks' notice thereof in some newspaper having general circulation within the municipality. The council may insert new items or may increase or decrease the items of the budget. If the council increases the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the council is necessary for adoption.

Section 706. Appropriations.

No public money may be expended without having been appropriated by the council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

Section 707. Transfer of funds.

Any transfer of funds between appropriations for different purposes by the mayor must be approved by the council before becoming effective.

Section 708. Overexpenditures forbidden.

No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts available for expenditures in the fund to which the expenditure, contract, or liability is to be charged. Any contract, verbal or written, made in violation of this charter is null and void. Nothing in this section contained, however, prevents the making of contracts or expenditure of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period

exceeding the budget year in which the contract is made, when the contract is permitted by law. (Res. No. CA-04-05, 12-28-04.)

Section 709. Appropriations lapse after one year.

All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year.

Section 710. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the treasurer and shall be countersigned by the mayor or, in the absence of the treasurer or the mayor, signed or countersigned by the town administrator. (Res. No. CA-04-01, 12-28-04; Res. No. CA-04-02, 12-29-04.)

Section 711. Taxable property.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, is subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section 712. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year.

Section 713. Notice of tax levy.

Immediately after the levy is made by the council in each year, the treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. The treasurer shall make out and mail or deliver in person to each taxpayer or agent at the last known address a bill or account of the taxes due. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this charter all taxes levied. (Res. No. CA-04-01, 12-28-04.)

Section 714. When taxes are overdue.

The taxes provided for in this charter are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following

October. They shall bear interest while in arrears at the rate established by the council for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided below.

Section 715. Sale of tax–delinquent property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by this charter shall be turned over by the treasurer to the official of the county responsible for the sale of tax–delinquent property as provided in State law. All property listed thereon, if necessary, shall be sold for taxes by this county official, in the manner prescribed by State law. By an affirmative vote of the council the town may from time to time conduct its own tax sales. (Res. No. CA–04–01, 12–28–04.)

Section 716. Fees.

All fees received by an officer or employee of the town government in his/her official capacity shall belong to the town government and be accounted for to the town.

Section 717. Audit.

The financial books and accounts of the town shall be audited annually as required by Section 40 of Article 19 [Title 16, Subtitle 3 of the Local Government Article] of the Annotated Code of Maryland (1957 Edition, as amended).

Section 718. Tax anticipation borrowing.

During the first six months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year, and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than eighteen months after they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The council shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes.

Section 719. Authority for general obligation borrowings.

(a) In addition to the authority provided for in Section 718 of this Charter with respect to tax anticipation borrowings, the Town shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness in the manner prescribed in this Section.

(b) As determined by or provided for in the authorizing ordinance and/or resolution of the Council, the general obligation bonds, notes or other evidences of indebtedness of the Town may be issued or sold:

(1) By private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication or dissemination of the notice of sale, as determined by the Council by ordinance or resolution;

(2) For a price that may be at, above or below the par value of the bonds, notes or other evidences of indebtedness;

(3) At a rate of interest or rates of interest that may be fixed or variable or may be determined by a method approved or provided for by the Council; and

(4) For cash or other valuable consideration.

(c) The ordinance or resolution that authorizes the general obligation bonds, notes or other evidences of indebtedness may provide for their redemption prior to maturity, at such price or prices at or above par value as determined or provided for by the Council, and for the manner of publishing or otherwise giving notice of such redemption.

(d) The Town may enter into agreements with agents, banks, fiduciaries, insurers or others for the purpose of enhancing the marketability of or as security for the general obligation bonds, notes or other evidences of indebtedness and for securing any tender option granted to holders thereof.

(e) The official signatures and seals affixed to any of the general obligation bonds, notes or other evidences of indebtedness may be imprinted in facsimile.

(f) In connection with any sale of general obligation bonds, notes or other evidences of indebtedness by the solicitation of competitive bids at public sale, and as determined or provided for by the Council by ordinance or resolution, any such competitive bids may be delivered by electronic and/or facsimile means and/or by any other then-commercially reasonable manner for the sale of municipal obligations at competitive bid, any notice of sale may be published in whole and/or in summary form in a newspaper of general circulation in the Town and/or in a generally recognized financial journal such as *The Bond Buyer*, or any notice of sale may be disseminated solely in electronic form and/or by any other then-commercially reasonable manner for the sale of municipal obligations, and the date or dates of publishing or disseminating any notice of sale or summary thereof shall be determined or provided for by the Council by ordinance or resolution.

(g) Any resolution adopted by the Council pursuant to this Section 719 may be introduced and adopted in a single session and shall not be subject to petition to referendum, notwithstanding the provisions of any other section of this Charter.

(h) In connection with the authorization of its general obligation bonds, notes or other evidences of indebtedness, the Town may pledge to the payment thereof, or provide that such

obligations shall be payable in the first instance from, any other sources of revenue available to the Town.

(i) The power conferred on the Town under this Section 719 of the Charter shall be deemed to be additional and supplemental to any other general obligation borrowing authority granted to the Town by Maryland public general or public local law, and the Town may authorize, issue and secure any such general obligation debt in conformity with this Charter and/or any other applicable law.

(j) The provisions of this Section 719 shall not apply to any tax anticipation borrowing incurred in accordance with Section 718 of this Charter.

(k) All general obligation bonds, notes or other evidences of indebtedness validly issued by the Town previous to the effective date of this Charter, as amended, and all ordinance and resolutions passed concerning them, are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth. (Res. No. CA-06-02, 11-14-06).

#### Section 720. Previous issues.

All bonds, notes, or other evidences of indebtedness validly issued by the town previous to the effective date of this charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth.

#### Section 721. Purchasing and contracts.

All purchases and contracts for the town government shall be authorized by the Town Administrator. The council may provide by ordinance or resolution for rules and regulations regarding the use of competitive bidding and contracts for all town purchases and contracts. The treasurer shall advertise for sealed bids, in such manner as may be prescribed by the council, for all such written contracts. The written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The treasurer may reject all bids and readvertise. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the town may require. (Res. No. CA-04-01, 12-28-04.)

## **ARTICLE 8**

### **Personnel**

#### Section 801. Secretary to council.

The Town Secretary shall serve as clerk to the council. The Town Secretary shall attend every meeting of the council and keep a full and accurate account of the proceedings of the council.

The Town Secretary shall keep such other records and perform such other duties as may be required by this charter or the council.

Section 802. Town attorney.

The mayor with the approval of the council may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney is the legal advisor of the town and shall perform such duties in this connection as may be required by the council or the mayor. Compensation of the town attorney shall be determined by the council. The town has the power to employ such legal consultants as it deems necessary from time to time.

Section 803. Authority to employ personnel.

The town may employ such officers and employees as it seems [deems] necessary to execute the powers and duties provided by this charter or other State law and to operate the town government.

Section 804. Merit system authorized.

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose the council may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in State law.

Section 805. Unclassified and classified service.

(a) The civil service of the town shall be divided into the unclassified and classified service.

(b) *Unclassified service* – The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

(1) The mayor, the councilpersons, and persons appointed to fill vacancies in these positions.

(2) The clerk–treasurer and the town attorney.

(3) The heads of all offices, departments, and agencies and members of town boards and commissions.

(4) Part–time, temporary, and unpaid offices and positions.

(c) *Classified service.* – The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

Section 806. Prohibitions and penalties.

(a) *Prohibitions.* – If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of political or religious opinions or affiliations or any other factors not related to ability to perform the work; no person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this charter or of the rules and regulations made thereunder; no officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office; no person seeking appointment to or promotion in the classified service of the town shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with the appointment, proposed appointment, promotion, or proposed promotion; no person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party or candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

(b) *Penalties.* – Any person who individually or with others willfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding ninety days, or by both such fine and imprisonment. Any person who is convicted under this section for a period of five years is ineligible for appointment to or employment in a position in the town service, and, if the person be an officer or employee of the town, shall immediately forfeit the office or position he holds.

Section 807. Retirement system.

The town may do all things necessary to include its officers and employees, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town.

Section 808. Compensation of employees.

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the council, subject to the restrictions imposed upon establishing the salaries of the councilpersons and mayor.



Section 809. Employee benefit programs.

The town by ordinance may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and may expend public moneys of the town for such programs.

**ARTICLE 9**  
**Public Ways and Sidewalks**

Section 901. Definition of public ways.

The term “public ways” as used in this charter includes all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys.

Section 902. Control of public ways.

The town has control of all public ways in the town except those that are under the jurisdiction of the State Highway Administration. Subject to the laws of the State of Maryland and its charter, the town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the town.

Section 903. Powers of town as to public ways.

The town may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public way or part thereof, bridges, curbs, and gutters.
- (2) Grade, layout, construct, open, extend, and make new town public ways.
- (3) Grade, straighten, widen, alter, improve or close up any existing town public way or part thereof.
- (4) Pave, surface, repave, or resurface any town public way or part thereof.
- (5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public way or part thereof.
- (6) Construct, reconstruct, maintain, and repair bridges.
- (7) Name town public ways.
- (8) Have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof.

Section 904. Powers of the town as to sidewalks.

The town may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof along any public way or part thereof within the town.
- (2) Grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on town property along any public way or part thereof within the town.
- (3) Require that owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, weeds, dirt, trash and other obstructions.
- (4) Require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

## **ARTICLE 10**

### **Water and Sewers**

Section 1001. Powers of the town.

The town may:

- (1) Construct, operate and maintain a water system and water plant.
- (2) Construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- (3) Construct, operate, and maintain a storm water drainage system and storm water sewers.
- (4) Construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- (5) Have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- (6) Do all things it deems necessary for the efficient operations [operation] and maintenance of the above plants and systems.

Section 1002. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company, or individual violating the provisions of this section is guilty of a misdemeanor punishable by a fine not exceeding \$1,000. If any unauthorized main, conduit, pipe, or other structure interferes [with] either the operation of the water, sewerage, or storm water systems, the town may order it removed.

Section 1003. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the town or in the county which impede the establishment, construction, or operation of any town sewer or water main, upon reasonable notice, shall remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers.

Section 1004. Entering on county public ways.

The town may enter upon or do construction in, on[,] or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section 1005. Connections.

The town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners after reasonable notices shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed at owner's expense and may require that all cesspools, sinkdrains, and privies be abandoned at owner's expense, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned or closed at owner's expense. Any violation of an ordinance passed under the provisions of this section shall be made a misdemeanor punishable by a fine not exceeding \$1,000.

Section 1006. Same – Charge.

The town may make a charge, the amount to be determined by the council, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the

town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

Section 1007. Changes in plumbing, etc., to prevent waste or improper use.

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing, fixtures, or connections as it deems necessary to prevent such waste or improper use.

Section 1008. Private systems.

The town by ordinance may provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section shall be made a misdemeanor punishable by a fine not exceeding \$1,000.

Section 1009. Extensions beyond boundaries.

The town may extend its water or sewerage systems beyond the town limits.

Section 1010. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his/her official duties with regard to the water or sewage disposal systems operated by the town, has a right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant, or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor punishable by a fine not exceeding \$1,000.

Section 1011. Pollution of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the town water supply system.

Section 1012. Contracts for service.

The town, if it deems it advisable, may contract with any party or parties, inside or outside the town, to obtain water or to provide for the removal of sewage.

Section 1013. Charges.

The town may charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the clerk-treasurer, and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law.

Section 1014. Exception.

The provisions of this subheading shall not extend to any town located in a sanitary district or special tax area or district authorized to discharge the powers provided in this subheading, as to the particular powers included in the authorization.

Section 1015. Additional fees and charges.

In addition to other fees and charges authorized by this Article 10 or other law, the town may impose and collect fees and charges for the allocation of water and sanitary sewer capacity in the town's water and sanitary sewer systems, and to pay for the construction and expansion of, capital improvements to, and maintenance of the town's water and sanitary sewer systems. (Ch. Amend. No. CA-06-01, 8-1-06).

## **ARTICLE 11**

### **Special Assessment**

Section 1101. Power of town to levy special assessments.

The town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction, of water mains, sanitary sewer mains, storm water sewers, curbs, and gutters and by the construction, and paving of public ways and sidewalks or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the service of the administrative staff of the town, and any other item of cost which may reasonably be attributed to the project.

Section 1102. Procedure.

a. *Provided.* – The procedure for special assessments, wherever authorized in this charter, is as provided in this section.

b. *Assessment of cost.* – The cost of the project being charged for shall be assessed according to the front rule of apportionment or some other equitable basis determined by the council.

c. *Amount.* – The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which causes the total amount of special assessments levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

d. *Uniformity of rates.* – When desirable, the affected property may be divided into different classes to be charged different rates, but except for this, any rate shall be uniform.

e. *Levy of charges; public hearing; notice.* – All special assessment charges shall be levied by the council by ordinance. Before levying any special assessment charges, the council shall hold a public hearing. The clerk–treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorney, may appear before the council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the town. The clerk–treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the clerk–treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the council, in its discretion, may vote to proceed with the project and may levy the special assessment.

f. *Right to appeal.* – Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten days after the levying of any assessment by the council.

g. *Payments; interest.* – Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten years, and in such manner as the council may determine. The council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the council.

h. *When due; lien on property; collection.* – All special assessment installments are overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

i. *Clerk-treasurer.* – All special assessments shall be billed and collected by the clerk-treasurer.

## **ARTICLE 12**

### **Town Property**

#### Section 1201. Acquisition, possession and disposal.

The town may acquire real, personal or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this charter becomes effective are vested in the town, subject to the terms and conditions thereof.

#### Section 1202. Condemnation.

The town may condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this charter or any other State law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established by the Constitution and laws of Maryland Code.

#### Section 1203. Town Buildings.

The town may acquire, obtain by lease or rent, purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the town government.

#### Section 1204. Protection of town property.

The town may do whatever may be necessary to protect and to keep all town property in good condition.

## **ARTICLE 13**

### **General Provisions**

#### Section 1301. Oath of office.

a. *Oath required.* – Before entering upon the duties of their offices, the mayor, the councilpersons, the clerk-treasurer, the Election Judge, and all other persons elected (or appointed to any office of profit or trust in the town government shall take and subscribe to the following oath or affirmation: “I, ..... do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of

my skill and judgement, diligently and faithfully, without partially [partiality] or prejudice, execute the office of ....., according to the Constitution and laws of this State.”

b. *Before whom taken and subscribed.* – The mayor shall take and subscribe to this oath or affirmation before the clerk of the circuit court for the county or before one of the sworn deputies of the clerk. All other persons taking and subscribing to the oath shall do so before the mayor.

#### Section 1302. Official bonds.

The clerk–treasurer and such other officers or employees of the town as the council or this charter may require, shall give bond in such amount and with such surety as may be required by the council. The premiums on such bonds shall be paid by the town.

#### Section 1303. Prior rights and obligations.

All right, title, and interest held by the town or any other person or corporation at the time this charter is adopted, in and to any lien acquired under any prior charter of the town, are hereby preserved for the holder in all respects as if this charter had not been adopted, together with all rights and remedies in relation thereto. This charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time the charter becomes effective. All suits and action, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this charter, shall be instituted, proceeded with, and prosecuted to final determination and judgement as if this charter had not become effective.

#### Section 1304. Effect of charter on existing ordinances.

a. *Ordinances, etc. not in conflict with charter remain in effect.* – All ordinances, resolutions, rules and regulations in effect in the town at the time this charter becomes effective which are not in conflict with the provisions of this charter shall remain in effect until changed or repealed according to the provisions of this charter.

b. *Ordinances, etc., in conflict with charter repealed.* – All ordinances, resolutions, rules, and regulations in effect in the town at the time this charter becomes effective which are in conflict with the provisions of this charter are repealed to the extent of such conflict.

#### Section 1305. Separability.

If any section or part of section of this charter is held invalid by a court of competent jurisdiction, this holding shall not affect the remainder of this charter or the context in which such section or part of section so held invalid appears, except to the extent that an entire section or part of section may be inseparable connected in meaning and effect with the section or part of section to which such holding shall directly apply.



# **APPENDIX I**

## **Urban Renewal Authority for Slum Clearance**

(See Note (2))

### Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate, which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include —
  - (1) acquisition of a slum area or a blighted area or portion thereof;
  - (2) demolition and removal of buildings and improvements;
  - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
  - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
  - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
  - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the Commissioners of Leonardtown.

#### Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section.

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.[;]

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provisions or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this

purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved; and

(9) to exercise all or any part or combination of powers herein granted.

#### Section A1–103. Establishment of Urban Renewal Agency.

A municipality may itself exercise all the powers granted by this appendix, or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1–104 of this appendix.

(2) The power to issue general obligation bonds pursuant to Section A1–109 of this appendix.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1–102(3) of this appendix.

#### Section A1–104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which

(1) finds that one or more slum or blighted areas exist in such municipality;

(2) locates and defines the said slum or blighted areas; and

(3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.

Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial,

industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this sub-section. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of sub-section (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

#### Section A1-107. Eminent Domain.

Condemnation of land or property under this appendix shall be subject to the provisions of and in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

#### Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

#### Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorization of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

#### Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of

Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.



(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Short Title.

This appendix shall be known and may be cited as the Leonardtown Urban Renewal Authority for Slum Clearance Act.

Section A1-113. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

## NOTES

(1) Thus in Resolution No. 2–89.

(2) Pursuant to Article III, Section 61 of the Constitution of Maryland, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Leonardtown in Chapter 593 of the Acts of the General Assembly of 1963.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the Town of Leonardtown appear as this appendix in accordance with 80 *Opinions of the Attorney General* \_\_\_\_\_ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

(3) Resolution 4–98, annexing 98.7323 acres of land (Miles/Mattingly/CPFCU), effective May 28, 1998, and Resolution 5–98, annexing 4.5082 acres of land (Cedar Lane Apts.), effective January 28, 1998, both fail to specify how the boundary description in Section 104 of this charter is to be changed to reflect the annexed land. Resolution 1–01, effective May 27, 2000, annexed 2.34 acres of land more or less, Resolution 2–01, effective May 27, 1999 annexed 3.2939 acres of land, Resolution 1–05, effective October 27, 2005, annexed 86.462 acres of land, more or less, Resolution 3–06, effective November 23, 2006, annexed 14.009 acres of land, more or less, and Resolution 1–12, effective April 26, 2012, annexed 171.182 acres of land, more or less. These annexations failed to provide for a change in the boundary description contained in this Charter. The resolutions are identified here for historical purposes.

(4) See the Tax – General and Tax – Property Articles of the Annotated Code of Maryland.